

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DONTE SALLEY,

Movant

v.

CIVIL ACTION NO. 2:09-1109
(Criminal No. 2:07-00063-02)

UNITED STATES OF AMERICA,

Respondent

MEMORANDUM OPINION AND ORDER

Pending is movant Donte Salley's "MOTION FOR ADDITIONAL DISCOVERY" ("discovery motion") filed August 16, 2010.

On July 2, 2010, the court entered its Judgment adopting the proposed findings and recommendation entered by the United States Magistrate Judge denying movant's section 2255 motion. Movant's section 2255 motion was deemed to have been filed outside of the applicable limitations period.

The discovery motion seeks an order compelling the United States to turn over to movant the following information:

1. All Lab reports
2. All wiretaps made against the defendant
3. All statements made against the defendant
4. All photo's [sic] made against the defendant and used as evidence

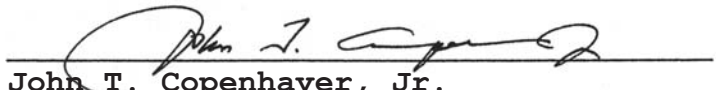
(Discov. Mot. at 1).

Inasmuch as the Judgment has been entered in this civil action, movant's request is untimely. Moreover, had the request been filed seasonably, movant has not demonstrated the good cause required for discovery requests as mandated by Rule 6(a), Rules Governing Section 2255 Proceedings for the United States District Courts.

The court, accordingly, ORDERS that the discovery motion be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the movant, all counsel of record, and the United States Magistrate Judge.

DATED: August 19, 2010


John T. Copenhaver, Jr.
United States District Judge